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FEDERAL COMMUNICATIONS COMMISSION
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William G. Brady
d/b/a/ KHJ/Radio
746 Shadow Lane
Kalispell, MT. 59901
406-257-2297

10/20/97

Federal Communications Commission
Mail Stop 1800 D5
Policy & Rules Division/Mass Media Bureau
Washington, DC. 20554

Dear Mr. Secretary

Enclosed for filing is a Petition for Rule Making to amend the FM
Table of Allotments, Section 73.202(b) of the Commission's Rules and
Regulations with respect to Eureka, Montana.

Sincerely,


William G. Brady

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PETITION FOR RULE MAKING

Petitioner:

William G. Brady
d/b/a KHJ/Radio
746 Shadow Lane
Kalispell, MT. 59901

Before the Commission for consideration is this petition for rule making filed by William G. Brady d/b/a KHJ/Radio, proposing the allotment of Channel 228C3 to Eureka, Montana, as that community's first local FM broadcast service. William G. Brady will apply for Channel 228C3 at Eureka.

In support of William G. Brady's request, he has provided an engineering statement that indicates a channel can be allotted to Eureka. According to Mr. Brady, Eureka, Montana, is located in northwest Montana in Lincoln County. Mr. Brady would like to point out that Channel 228C3 would provide a first local broadcast facility to the community and surrounding area and that the closest FM allotment to Eureka is located in Whitefish, Montana, which is 52 miles from Eureka. Mr. Brady states that an allotment of a FM channel at Eureka would provide not only an outlet for local expression but would also provide the Eureka area with information during emergency conditions caused by severe weather.

Section 307(b) of the Communications Act of 1934, as amended, requires that the Commission allot channels "...among the several states and communities." The Commission has defined "communities" as geographically identifiable population groupings. Generally, if a community is incorporated or listed in the U.S. Census, that is sufficient to satisfy its status. Eureka has such recognizable community factors, to demonstrate that Eureka qualify as a community for allotment purposes. Eureka is incorporated and listed in the 1990 Census and it has a post office, meeting the basic criteria for community status. Eureka has a population grouping of 1,043 people (city) 4,187 (county subdivision) and 17,481 (county) and includes a library, schools, shopping centers, churches, a newspaper and social as well as civic organizations, this constitutes a community for allotment purposes.

A Channel Allocation analysis indicates that Channel 228C3 can be allotted to Eureka consistent with the minimum distance separation requirements of the Commission's Rules without a site restriction. Channel 228C3 at Eureka complies with the Commission's spacing requirements, an actual transmitter site is available and provides city grade coverage to Eureka. Since the community of Eureka is located within 11 kilometers (7 miles) of the U.S.-Canadian border, Canadian concurrence is requested for this allotment.

In view of the fact that the proposed allotment would provide a first local service to Eureka, William G. Brady believes it would serve the public interest to allocate Channel 228C3 to Eureka, and respectfully request that Eureka be found to qualify as a community for allotment purposes, and amend the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, with respect to Eureka, Montana as follows:

Community	Channel No.	
	Present	Proposed
Eureka, Montana	-----	228C3

Questions, Please feel free to contact:

William G. Brady
d/b/a KHJ/Radio
746 Shadow Lane
Kalispell, MT. 59901
(406) 257-2297

Engineering Statement

The FM Channel Allocation Study conducted for channel 228 (93.5) indicates that this FM allotment will meet Reg. 73.207 Minimum distance separation Requirements for the same channel (co-channel) and five pairs of adjacent channels by not less than the minimum distances specified in paragraphs (b) and (c) of the above section.

Date 10-20-1997

Freq. 93.5


Ch: 228C3

Cord. 48 53 59 Lon. 115 1 23

call	stat	owner		channel	freq	N. lat	W. lon	
city	ST	File#	PWR	HAAT	AZ	DX	req.	act. status
+++++								
KGGL	LIC	Sunbrook Communications,	227 C	93.3	47 - 01 - 57	113 - 59 - 31		
Missoula	MT	BLH950426KA	43	4274	159.7	221.40	176	45.36 CLEAR
KDRK	LIC	Price Broadcasting Company	229 C	93.7	47 - 34 - 13	117 - 05 - 00		
Spokane	WA	BLH7372	56	3988	226.0	212.70	176	36.65 CLEAR
+++++ END OF LIST +++++								

The above ADJACENT stations are in the CLEAR and are the only records that showed in the latest Database.

I certify that the above engineering statements are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.


William G. Brady
Op/Technical Director